

# DECISION



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THE COMPTROLLER GENERAL  
OF THE UNITED STATES  
WASHINGTON, D. C. 20548

FILE: B-210703

DATE: February 22, 1983

MATTER OF: Coast Canvas Products II Co., Inc.

## DIGEST:

1. GAO will not undertake an independent review of a contracting officer's nonresponsibility determination of a small business concern because the Small Business Administration, not GAO, has statutory authority to determine conclusively a small business concern's responsibility.
2. GAO will not review the Small Business Administration's decision not to issue a certificate of competency where the protester fails to make a prima facie showing of fraud or willful disregard of the facts.

Coast Canvas Products II Co., Inc. protests the contracting officer's negative determination of its responsibility and the Small Business Administration's (SBA) refusal to issue it a certificate of competency (COC) under Defense Logistics Agency solicitation No. DLA100-83-B-0054. We dismiss the protest.

The SBA, not this Office, has statutory authority to review a contracting officer's negative determination and to determine conclusively a small business concern's responsibility by issuing or refusing to issue a COC. 15 U.S.C. § 637(b)(7) (Supp. IV 1980). Consequently, we will not undertake an independent review of a contracting officer's nonresponsibility determination, since such review would be tantamount to a substitution of our judgment for that of the SBA. Numax Electronics Incorporated, B-204632.2, December 10, 1981, 81-2 CPD 457.

Moreover, this Office does not review the SBA's decision concerning a COC or to require the reopening of a case where a COC has been denied unless the protester makes a

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prima facie showing of fraud or willful disregard of the facts. Fred Craner, B-207988, July 12, 1982, 82-2 CPD 45. The protester has made no such showing.

The protest is dismissed.

*Harry R. Van Cleve*  
Harry R. Van Cleve  
Acting General Counsel